

In re Appln. of Ross et al.  
Application No. 09/100,100

39. (Amended) The method of claim 38, further comprising consolidating, by the report rendering component, generated medical text with patient-related stored text including dictated transcripts.

E2 40. (Amended) The method of claim 39, further comprising inserting, by the report rendering component, headlines and sub headlines in the generated medical text where appropriate.

41. (Amended) The method of claim 40, further comprising modifying, in accordance with programmed report generation instructions, the font of text within particular portions of the report to use bold, italic, and larger text sizes to emphasize important medical sections or information in the generated medical text.

#### REMARKS

Mr. Joy, Applicants' representative and Dr. Ross, one of the named inventors, wish to thank Examiner Kanof and Supervisor Millen for taking time on February 28, 2002, to discuss the Office Action mailed on December 31, 2001. During the discussion Applicants noted that Amado did not appear to concern a patient medical record generation system and therefore did not disclose a number of elements recited in the pending claims. Supervisor Millen tentatively agreed that the cited Amado reference did not anticipate any of the pending claims. Applicants understood at the close of the phone conference that based upon at least the Amado reference's failure to teach or suggest generating patient records from a database of patient medical

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information, that the rejection of the currently pending claims in view of Amado would be withdrawn.

With regard to the obviousness rejections, Applicants note their traversal of each and every ground for the rejection of the pending claims, including "Official Notice" and assertions of well known art that form the bases for the obviousness rejections. Applicants respectfully request provision of references supporting such assertions in the event that the rejections are not withdrawn. This is especially the case because Applicants strongly believe that the prior art in no way suggested the combinations recited in the pending rejected claims. These grounds, previously stated in Applicants' prior request for reconsideration, are reasserted herein.

During the phone conference, Supervisor Millen suggested that the *Hospital Computer Systems* (cited in the Office Action, but not used to reject the currently pending claims) reference appears to be more applicable to the pending claim than the Amado reference. Applicants understood that the *Hospital Computer Systems* reference did not render claims 42-65 unpatentable. However, Supervisor Millen raised the issue that the *Hospital Computer Systems* reference might render claims 25-29 and 37-41 unpatentable.

Applicants have carefully considered the *Hospital Computer Systems* reference and believe that all the pending claims (including amended claims 25-29 and 37-41) are patentable over the prior art presently known to the Applicants. The claims, in contrast to the teachings of the *Hospital Computer Systems* reference, recite creating structured medical reports from a combination of tabled patient data (input via data input device and maintained by a server) and stored sentences and phrases.

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CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application, including presently pending claims 25-29 and 37-65, to issue. Applicants have submitted an IDS and Declaration in support thereof. Applicants note their belief that the subject-matter of the IDS does not constitute prior art.

If, in the opinion of the Examiner, a further telephone conference or in-person interview would expedite prosecuting the subject application, the Examiner is invited to call the undersigned attorney to arrange such a conference or meeting.

Respectfully submitted,



Mark Joy, Reg. No. 35,562  
One of the Attorneys for Applicant(s)  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: April 1, 2002

In re Application of:

Ross et al.

Art Unit: 2164

Application No. 09/100,100

Examiner: P. Kanof

Filed: 06/19/98

For: MEDICAL RECORDS,  
DOCUMENTATION, TRACKING AND  
ORDER ENTRY SYSTEM

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**AMENDMENTS TO CLAIMS  
MADE IN RESPONSE TO OFFICE ACTION DECEMBER 31, 2001**

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**In the Claims:**

**Please amend claims 25-29 and 37-41 as follows:**

25. (Amended) A method [of medical language generation from data,] for rendering a report including medical language from previously stored data, said method comprising:

storing sentences and phrases related to medical data [in peripheral CPU's],

inputting patient data at a peripheral data input device,

transferring the patient data from the peripheral data input device to [file servers connected to the peripheral CPU's] a server communicatively coupled to the peripheral data input device and tabling the patient data at the server,

transferring the tabled patient data from the server to [the CPU's] a report rendering component, and

compiling sentences and paragraphs [in the CPU's] by the report rendering component from the stored sentences and phrases and the patient data, whereby stored medical facts associated with the input patient data are converted into sentence structure.

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26. (Amended) The method of claim 25, further comprising [the rearrangement of] rearranging the medical facts compiled into [in] sentence structure into a medically appropriate order.

27. (Amended) The method of claim 26, further comprising [the automatic consolidation of] consolidating, by the report rendering component, automatically generated  
medical English text with patient-related stored text [(such as dictated transcripts)].

28. (Amended) The method of claim 27, further [comprises automatic insertion of] comprising inserting, by the report rendering component, headlines and sub headlines [where appropriate] within the report.

29. (Amended) The method of claim 27, further [comprises the automatic] comprising modifying, in accordance with programmed report generation instructions, the font of text within particular portions of the report to use of bold, italic, and larger text sizes to  
emphasize important medical sections or information.

37. (Amended) A method [of medical language generation from data,] for rendering a report including medical language from previously stored data, said method  
comprising

storing sentences and phrases related to medical data [in CPU's],

inputting patient data via a data input device,

transferring the patient data to [file servers] a server and tabling the patient data,

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transferring the tabled patient data to the [CPU's] a report rendering component, and  
compiling sentences and paragraphs [in the CPU's] by the report rendering component  
from the stored sentences and phrases and the patient data, and thereby converting stored  
medical patient data, including the input patient data, into medical facts in sentence structure.

38. (Amended) The method of claim 37, further comprising rearranging the  
medical facts compiled into [in] sentence structure into a medically appropriate order.

39. (Amended) The method of claim 38, further comprising [automatically  
consolidating of automatically] consolidating, by the report rendering component, [the]  
generated medical text with patient-related stored text [and] including dictated transcripts.

40. (Amended) The method of claim 39, further comprising [automatically]  
inserting, by the report rendering component, headlines and sub headlines in the generated  
medical text where appropriate.

41. (Amended) The method of claim 40, further [comprises automatically using]  
comprising modifying, in accordance with programmed report generation instructions, the font  
of text within particular portions of the report to use bold, italic, and larger text sizes to  
emphasize important medical sections or information in the generated medical text.

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this AMENDMENT AND REQUEST FOR RECONSIDERATION  
(along with any documents referred to as attached or enclosed) is being transmitted to the United  
States Patent and Trademark Office, Attention: Examiner P. Kanof, Art Unit 2164, Facsimile  
Number (703) ~~308-1396~~, on the date indicated.  
746-7239

Date: April 1, 2002

Norma J. Arhos  
(Typed or printed name of person transmitting paper)

Norma J. Arhos  
(Signature of person transmitting paper)

**PATENT**  
Attorney Docket No. 204920

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Ross et al.

Art Unit: 2164

Application No. 09/100,100

Examiner: P. Kanof

Filed: 06/19/98

For: **MEDICAL RECORDS,  
DOCUMENTATION, TRACKING  
AND ORDER ENTRY SYSTEM**

**DECLARATION OF DR. JAMES ROSS IN SUPPORT OF  
A SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT**

I, the undersigned, hereby declare the following:

1. I am one of the named inventors of the above-captioned patent application.
2. I have personal knowledge regarding circumstances and facts concerning efforts to obtain the consent of a hospital administrator to volunteer a hospital emergency room as a test site for a software system (TeleMed) that, when completed, would embody the claimed invention. Prior to one year before the priority date of the parent application filed on July 8, 1996, all demonstrations of the Telemed system software were performed under terms of confidentiality.
3. My endeavors to obtain a test site included, in the latter part of 1994, occupying a booth at the American College of Emergency Physicians (ACEP) Scientific Assembly for the purpose of demonstrating, to a limited group of people under conditions of confidentiality, a partially completed prototype of the TeleMed system executing upon a personal computer.



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4. The software program demonstrated to the limited group of persons consenting to maintain confidentiality was incomplete in a number of ways including, for example, it was not yet capable of generating pre-phrased text from entered code values. However, the patient record generator was capable of generating records containing input text (e.g., dictated text) and text inserted on a patient record in accordance with medical data facts.

5. While demonstrating the prototype at ACEP in 1994, I took specific steps to maintain the confidentiality of the software system currently under development and to prevent others from misappropriating our idea before it was sufficiently ready to be offered to the public. Such steps to maintain confidentiality included physically placing the personal computer executing the prototype program code facing towards the rear of the booth and orienting the display screen to prevent observation by persons who had not consented to maintaining the confidentiality of what they observed during the demonstration of the TeleMed prototype. Persons were not allowed within the booth without first agreeing to maintain the confidentiality of their observations during the demonstration.

6. It has been my understanding, throughout the period of pursuing patents on the inventions disclosed in the present application, that the confidential demonstrations of the prototype software system to a limited group of persons more than one year prior to the filing date of the parent of this application (filed on July 6, 1996) did not affect the patentability of the inventions, and thus the confidential demonstrations at the ACEP Assembly in 1994 (described herein above) are, without question, not material to examination of the present application.

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7. However, in view of a Federal Circuit opinion (see, *GFI Inc. v. Franklin Corp.*, 265 F.3d 1268, 60 U.S.P.Q.2d 1141 (Fed.Cir. 2001)), that has recently been brought to my attention and that encourages placing the decision-making power/responsibility regarding materiality of a reference within the hands of the U.S. Patent and Trademark Office, I submit this declaration of facts relating to the confidential disclosures for consideration by the Examiner.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

4/1/2002

  
James E. Ross, Jr.

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